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Executions in Chile

*Facts on the situation in Chile*

Background 'is at Tab A.

Talking Points:

- As Secretary Kissinger indicated to the Prime Minister, we have looked into the issue of executions in Chile. The following is the most honest assessment we have.
- On October 24, the Junta announced that summary, on-the-spot executions would no longer be carried out and that persons caught in the act of resisting the government would henceforth be held for military courts. Since that date, 17 executions following military trials have been announced.
- Publicly acknowledged executions, both summary and in compliance with court martial sentences, now total approximately 100, with an additional 40 prisoners

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shot while "trying to escape." More confidential information puts the number of executions ~~for the period September 11-30 at 320.~~ The latter figure is ~~probably a more accurate indication of the extent of this practice.~~ *higher.*

- Our best estimate is that the military and police units in the field are generally complying with the order to desist from summary executions. At least the rather frequent use of random violence that marked the operations of these units in the early post-coup days has clearly abated for the time being. However, there are no indications as yet of a disposition to forego executions after military trial.

[-- The Chilean leaders justify these executions as entirely legal in the application of martial law under what they have declared to be a "state of siege in time of war." Their code of military... justice permits death by firing squad for a range of offenses, including treason, armed resistance, illegal possession of arms and auto theft. Sentences handed down by military tribunals during a state of siege are not reviewable by civilian courts.]

[-- The Junta now has more confidence in the security situation and more awareness of the pressure of international opinion. It may be a hopeful sign that the Junta continues to stall on bringing to trial former Cabinet ministers and other prominent Marxists -- people the military initially had every intention of standing up before firing squads.]

- How the military leaders proceed in this area from now on will be influenced by some degree by outside opinion, ~~and particularly by ours~~ but the major consideration will continue to be their assessment of the security situation.
- The U.S. does not approve of these executions. We have -- and will continue -- to make our position known to the Chilean Government.

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